

REMARKS

The Applicant thanks the Examiner for the thorough consideration given the present application. Claim 2 was previously cancelled. Claims 1 and 3-21 are pending. Claims 1, 11, and 12 are amended, and claim 21 is added. Claims 1, 11, and 21 are independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

Allowable Subject Matter

The Examiner states that claims 8 and 18 would be allowable if rewritten in independent form. The Applicant thanks the Examiner for the indication of allowable subject matter in this application. In response, independent claim 21 has been added combining the allowable subject matter of claim 18 and claim 11.

In addition, as argued below, each of independent claims 1 and 11 has been amended to include allowable subject matter not taught or suggested by the references cited by the Examiner.

Therefore, each of independent claims 1, 11, and 21 is now in condition for allowance.

Information Disclosure Statement

It is gratefully appreciated that the Examiner has acknowledged the Information Disclosure Statement filed on February 13, 2007, and for returning an initialed copy of the PTO form filed therewith.

Rejection Under 35 U.S.C. §102(b)

Claims 1, 7, 9-12, 19 and 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Hoeptner III (U.S. Patent No. 4,955,193),

claims 3, 4, 13, and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoeptner III in view of design choice, and

claims 5, 6, 15, and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoeptner III in view of Wolf et al. (U.S. Patent No. 5,816,043). These rejections are respectfully traversed.

Amendments to Independent Claims 1 and 11

As noted above, and while not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the present application, each of independent claims 1 and 11 has been amended to recite a combination of elements directed to a heat shield for a vehicle, including *inter alia*

wherein ~~travel-wind~~air flow from a front side of the vehicle passes through a gap between the first and second heat shield plates.

Support for the novel combinations of element set forth in independent claims 1 and 11 can be seen in FIG. 12 as originally filed.

The Applicant respectfully submits that the combination of elements as set forth in each of independent claims 1 and 11 is not disclosed or made obvious by the prior art of record, including Hoeptner III.

According to the above mentioned Amendment, since a gap is formed between the first heat shield plate and the second heat shield plate, the travel wind from the front side is actively taken in. Since the taken ~~travel wind~~air flow passes through between the second heat shield plate and the exhaust pipe, cooling of the exhaust pipe is enhanced together with the heat shield effect due to the heat shield plate.

In contrast to the present invention, in Hoeptner III, although a gap is formed between the adjacent S-shaped members, however a gap is not formed between a small diameter portion of one connecting member and an end of the other connecting member. Thus, in this configuration, the ~~travel wind~~air flow is not actively taken in and the wind cannot pass through between the heat shield plate and the exhaust pipe.

Therefore, in Hoeptner III, although the heat shield effect due to the heat shield plate can be achieved, the ~~travel wind~~air flow passes through between the heat shield plate and the exhaust pipe is not disclosed. Therefore, the cooling effect of the exhaust pipe cannot be achieved.

At least for the reasons described above, the Applicant respectfully submits that the combination of elements as set forth in each of independent claims 1 and 11 is not disclosed or made obvious by the prior art of record, including Hoeptner III.

Accordingly, reconsideration and withdrawal of this rejection are respectfully requested. Independent claims 1 and 11 are in condition for allowance.

Independent Claim 21

As noted above, independent claim 21 has been added to combine the allowable subject matter of objected-to claim 8 and claim 1.

Therefore, independent claim 21 is in condition for allowance.

Dependent Claims

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, as well as for the additional novel limitations set forth therein. All pending claims are now in condition for allowance.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §102(b) and §103(a) are respectfully requested.

*Application No. 10/661,493
Amendment dated June 27, 2006
Reply to Office Action of March 9, 2007*

*Docket No. 0649-1002PUS1
Art Unit 3748
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CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

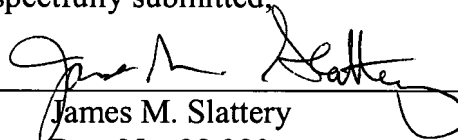
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 208-4030 (Direct Line).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Date: June 27, 2007

Respectfully submitted,

By



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